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ABSTRACT

Created in 1950, the Impact Aid program provides financial assistance to local education agencies (LEAs) in areas affected by federal activity. The program gives a direct general aid payment to LEAs that: (1) have lost local revenue as a result of land purchases by the federal government; (2) provide education to children who reside on federal property or whose parents work on federal property; or (3) have experienced a sudden, substantial increase in enrollment due to federal activities. LEAs may receive an additional entitlement based on the number of children residing on Indian lands. However, such LEAs must involve tribal officials and parents of Indian children residing on Indian lands in the education program. This involvement must include: parental and tribal comment on the extent to which Indian children participate on an equal basis in the education program; dissemination of information to parents and tribal officials on the Impact Aid program and on LEA plans to initiate or eliminate educational programs; and active consultation between the LEA and parents and officials in the planning and development of educational programs funded by Impact Aid. This booklet lists tribal and parent responsibilities to the LEA and minimum regulatory standards for LEA Indian policies and procedures. (SV)

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COMMUNITY PARTICIPATION IN THE IMPACT AID PROGRAM

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COMMUNITY PARTICIPATION IN THE IMPACT AID PROGRAM

Special Impact Aid Provisions
for Local Education Agencies
that Claim Entitlements
Based on the Number of Children
Residing on Indian Lands
Public Law 81-874

MARCH 1992

U.S. DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

Local education agencies (LEAs), tribal members and parents of Indian children have an opportunity to join together to improve the quality of education for their children in public schools. The U.S. Department of Education, Impact Aid Program requires the LEA to develop policies and procedures to ensure the participation of tribal organizations and parents of Indian children in the education process.

These requirements provide an opportunity to share various cultures, to develop and implement education goals and to support the children of the local school district. The benefits gained from a set of meaningful and mutually developed policies and procedures are immeasurable. The Impact Aid Program would like to assist in this exciting adventure. We hope that this booklet will assist you as you work together to better education opportunities in your community.

Charles E. Hansen
Director, Impact Aid Program

THE IMPACT AID PROGRAM

In 1950, Congress passed P.L. 81-874, to provide..."financial assistance for local education agencies in areas affected by Federal activity." The Impact Aid Program, provides financial assistance to local education agencies upon which the United States has placed substantial financial burdens because:

- The revenues available to such agencies from local sources have been reduced as the result of the acquisition of real property by the United States;
- Such agencies provide education for children residing on Federal property;
- Such agencies provide education for children whose parents are employed on Federal property; or
- There has been a sudden and substantial increase in school attendance as the result of Federal activities.

The Impact Aid Program provides a direct general aid payment to the affected school district's general fund for the maintenance and operation of education programs. The absence of categorical program restraints and regulations makes Impact Aid very simple to operate because of the freedom to use the funds as general revenue.

The program is divided into two basic components — Section 2 and Section 3. Section 2 authorizes payments to school districts where since 1938, the United States has purchased Federal property in a school district and the real property thus removed from the tax rolls had an aggregated assessed value of at least 10 percent of the assessed value of all real property in the school district at the time or times of acquisition by the Federal government. The underlying

theory of Section 2 is that the Federal government has removed from the tax rolls, property which would have continued to provide property taxes to support the schools. To receive payment, a district must demonstrate that the purchase of the property by the Federal government has placed a substantial and continuing financial burden on the school district. Section 2 is a relatively small part of the overall program involving some 270 school districts.

Section 3, by far the larger program, provides assistance to school districts that provide education services to children who live on **and** whose parents work on Federal property or are on active duty in the uniformed services ("a" children); or children who live on **or** live with a parent employed on Federal property or have a parent on active duty in the uniformed services ("b" children).

LOCAL EDUCATION AGENCY (LEA) REQUIREMENTS

Local education agencies (LEAs) may receive an additional entitlement based on the number of children residing on Indian lands. LEAs that claim such entitlements, however, must involve tribal officials and parents of Indian children residing on Indian lands in the education program as follows:

- Provide an opportunity for tribal officials and parents of Indian children to comment on the participation of Indian children on an equal basis in the school program with all other children educated by the LEA;
- Disseminate the Impact Aid Program (P.L. 81-874) application to tribal officials and parents of Indian children;
- Disseminate information on the education programs that the LEA plans to initiate or eliminate and any evaluations of education programs assisted with funds provided under the Impact Aid Program;
- Afford tribal officials and parents of Indian children an opportunity to make recommendations concerning the needs of their children, and the ways by which tribal officials and parents of Indian children can assist their children in realizing the benefits to be derived from the education programs assisted with funds provided by the Impact Aid Program;
- Provide an opportunity for tribal officials and parents of Indian children to present their overall views on the education program in the LEA, including the operation of the LEA's education program and the degree of parental participation allowed; and

- Consult actively and involve regularly tribal officials and parents of Indian children in the planning and development of education programs assisted with funds provided under the Impact Aid Program.

TRIBAL AND PARENT RESPONSIBILITIES

Tribal organizations and parents of Indian children residing on Indian lands have specific responsibilities to local education agencies (LEAs) funded under the Impact Aid Program. Specifically, tribal members and parents should:

- Comment on the participation of Indian children on an equal basis in the education programs;
- Assess the extent to which Indian children participate on an equal basis;
- Receive and review copies of the Impact Aid application, any evaluations of education programs assisted with Impact Aid Program funds, and any program plans for education programs that the LEA plans to initiate or eliminate;
- Consult actively and regularly with the LEA in the planning and development of education programs assisted by the Impact Aid Program;
- Make recommendations concerning the needs of the Indian children and the ways to realize the benefits to be derived from the education programs assisted with Impact Aid funds; and
- Present their overall views to the LEA on the education program in the LEA including the operation of the LEA's program and the degree of parental participation.

An LEA that receives the entitlement is not required to spend the entitlement exclusively for Indian children or for special programs for Indian children.

P.L. 81-874 IMPACT AID PROGRAM

MINIMUM REGULATORY STANDARDS FOR LEA INDIAN POLICIES AND PROCEDURES

1. Indian policies and procedures (IPP) **specify** how the LEA will give tribal officials and parents of Indian children (parents) an opportunity to comment on the participation of Indian children on an equal basis in the education program.

e.g., The LEA provides that a school board meeting will focus on this issue/or places this issue on a school board meeting agenda.

2. IPP **specifies how** the LEA will assess the extent to which Indian children participate on an equal basis in the education program.

e.g., LEA officials will review school data and comments from tribal officials and parents to assess the extent of Indian children's participation in the education program on an equal basis with all other children educated by the LEA.

3. IPP **specifies procedures** for modifying its educational program, when necessary, to allow Indian children to participate on an equal basis.

e.g., The LEA establishes a task force to prepare a modified education program to ensure equal participation in the program by Indian children, when necessary.

4. IPP **specifies how** the LEA **will disseminate**, in a timely manner, the following materials to tribal officials and parents:

P.L. 81-874 application; evaluations of education

programs assisted with 874 funds; and program plans for education programs the LEA plans to initiate/ eliminate.

5. IPP **specifies** that the parents and tribal officials will have adequate time and opportunity to present their views regarding: the 874 application, evaluations and program plans listed in #4, above.

e.g., The LEA provides that a school board meeting will be held, after the materials have been disseminated, for the discussion of the materials or for this issue to be an agenda item for a school board meeting.

6. IPP **describes how** the LEA will actively consult and regularly involve tribal officials and parents in the planning and development of education programs assisted with 874 funds.

e.g., The LEA provides for a school board meeting to discuss this matter or places this item on the agenda of a school board meeting to discuss the matter. Establishes a parent-teacher task force to review the matter and report their findings at a school board meeting.

7. IPP **describes** the **methods** utilized by the LEA to afford tribal officials and parents an opportunity to make recommendations and present their views regarding: the needs of their children; the ways they can assist their children to realize the benefits to be derived from the education programs assisted with 874 monies; and their overall views on the LEA's educational program including its operation and the parental participation allowed. This description of the LEA's methods must include **specific ways** the LEA will gather information concerning Indian views, including the frequency, location, and time of meetings. [34 CFR 223.11(d)]

e.g., The LEA provides for a school board meeting once a year, the location and time to be announced in the local newspaper, during which the tribal officials and parents may make recommendations concerning the needs of their children and their ability to assist in the children's education, and present their views regarding the needs of their children, the LEAs educational program and the degree of parental participation allowed.

8. IPP contains **specific procedures** for assessing the meaningfulness of Indian input and modifying the LEA's policies and procedures based on that input.

e.g., The LEA establishes a task force or ad hoc committee that is representative of the Indian community to review the Indian input, the opportunity for input, and the LEA's response to the comments submitted by the tribal officials and parents recommending changes in the LEA's policies and procedures, and recommends modification of the policies and procedures, if necessary, to respond to the Indian input. The LEA also provides for a school board meeting to modify the IPP, if necessary.

FOR MORE INFORMATION CONTACT:

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